

PTO/SB/21 (02-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

10/780,426

Filing Date

February 17, 2004

First Named Inventor

SIMONSON

Art Unit

Examiner Name

Attorney Docket Number

5976-23-2

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | PTO/SB/08A&B; 2 References; and 1 Postcard. |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name
Michael K. Dixon
AKERMAN SENTERFITT

Signature

Date

May 7, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Michael K. Dixon

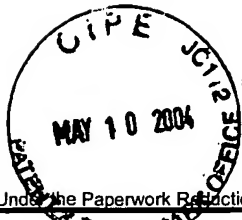
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Examiner Name	
Art Unit	
Attorney Docket No.	5976-23-2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-0951

Deposit Account Name AKERMAN SENTERFITT

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
	87	-20** =	X	
Independent Claims	13	-3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

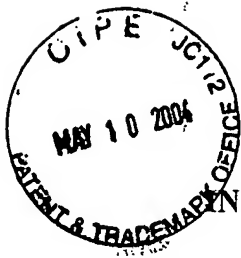
SUBMITTED BY

Name (Print/Type)	Michael K. Dixon	Registration No. (Attorney/Agent)	46,665	Telephone	561-653-5000
Signature		Date	MAY 7, 2004		

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SIMONSON

Application No.: 10/780,426

Examiner:

Filed: February 17, 2004

Group Art Unit:

For: ARTIFICIAL FACET JOINT AND METHOD

CERTIFICATE UNDER 37 CFR 1.8(a)

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Michael K. Dixon

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Date: May 7, 2004

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, Applicant hereby discloses information that may be relevant to the Examiner's consideration of the above-identified application and the patentability of its claims.

In accordance with Rules 56, 97, and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), Forms PTO/SB/08A&B with references cited therein are submitted for consideration by the Examiner. While the references provided in this Information Disclosure Statement may be material to patentability pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the

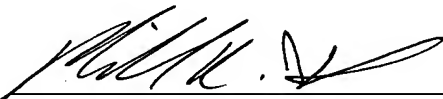
{WP177713;1}

In re Application of: SIMONSON
Application No.: 10/780,426
Filed: February 17, 2004
Group Art Unit:
For: ARTIFICIAL FACET JOINT AND METHOD.

filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

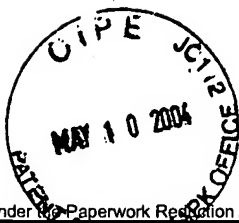
This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. However, if any fee is due, the Commissioner is authorized to charge any such fee and any additional fees due or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



Michael K. Dixon, Reg. No. 46,665
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Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000
Facsimile: (561) 659-6313

Docket No. 5976-23-2



PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 3,219,575	11/23/1965	Chapman et al.	
		US- 3,242,922	03/29/1966	Thomas	
		US- 3,565,066	02/23/1971	Roaf	
		US- 4,269,178	05/26/1981	Keene	
		US- 4,272,401	06/09/1981	Mohan et al.	
		US- 4,361,141	11/30/1982	Tanner	
		US- 4,369,769	01/25/1983	Edwards	
		US- 4,369,770	01/25/1983	Bacal et al.	
		US- 4,382,438	05/10/1983	Jacobs	
		US- 4,386,603	06/07/1983	Mayfield	
		US- 4,404,967	09/20/1983	Bacal et al.	
		US- 4,409,968	10/18/1983	Drummond	
		US- 4,411,259	10/25/1983	Drummond	
		US- 4,419,026	12/06/1983	Leto	
		US- 4,422,451	12/27/1983	Kalamchi	
		US- 4,448,191	05/15/1984	Rodnyansky et al.	
		US- 4,567,884	02/04/1986	Edwards	
		US- 4,611,582	09/16/1986	Duff	
		US- 4,662,365	05/05/1987	Gotzen et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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**INFORMATION DISCLOSURE
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Sheet 2 of 5

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Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	
Attorney Docket Number	5976-23-2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,773,402	09/27/1988	Asher et al.	
		US- 4,836,196	06/06/1989	Park et al.	
		US- 4,854,304	08/08/1989	Zielke	
		US- 4,887,595	12/19/1989	Heinig et al.	
		US- 4,887,596	12/19/1989	Sherman	
		US- 4,946,458	08/07/1990	Harms et al.	
		US- 4,950,269	08/21/1990	Gaines, Jr.	
		US- 4,987,892	01/29/1991	Krag et al.	
		US- 5,002,542	03/26/1991	Frigg	
		US- 5,005,562	04/09/1991	Cotrel	
		US- 5,024,213	06/18/1991	Asher et al.	
		US- 5,102,412	04/07/1992	Rogozinski	
		US- 5,127,912	07/07/1992	Ray et al.	
		US- 5,129,900	07/14/1992	Asher et al.	
		US- 5,133,717	07/28/1992	Chopin	
		US- 5,147,360	09/15/1992	Dubousset	
		US- 5,181,917	01/26/1993	Rogozinski	
		US- 5,209,752	05/11/1993	Ashman et al.	
		US- 5,246,442	09/21/1993	Ashman et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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3

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U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,257,993	11/02/1993	Asher et al.	
		US- 5,261,909	11/16/1993	Sutterlin et al.	
		US- 5,282,801	02/01/1994	Sherman	
		US- 5,282,901	02/01/1994	Reinhard	
		US- 5,312,404	05/17/1994	Asher et al.	
		US- 5,415,661	05/16/1995	Holmes	
		US- 5,437,669	08/01/1995	Yuan et al.	
		US- 5,437,670	08/01/1995	Sherman et al.	
		US- 5,474,551	12/12/1995	Finn et al.	
		US- 5,498,262	03/12/1996	Bryan	
		US- 5,549,608	08/27/1996	Errico et al.	
		US- 5,554,157	09/10/1996	Errico et al.	
		US- 5,562,662	10/08/1996	Brumfield et al.	
		US- 5,569,247	10/29/1996	Morrison	
		US- 5,571,191	11/05/1996	Fitz	
		US- 5,591,166	01/07/1997	Bernhardt et al.	
		US- 5,611,800	03/18/1997	Davis et al.	
		US- 5,672,175	09/30/1997	Martin	
		US- 5,693,053	12/02/1997	Estes	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner
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Considered

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Sheet

4

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,716,357	02/10/1998	Rogozinski	
		US- 4,743,260	05/10/1988	Burton	
		US- 5,800,435	09/01/1998	Errico et al.	
		US- 5,876,459	03/02/1999	Powell	
		US- 5,891,145	04/06/1999	Morrison et al.	
		US- Re. 36,758	06/27/2000	Fitz	
		US- 6,183,473 B1	02/06/2001	Ashman	
		US- 6,210,413 B1	04/03/2001	Justis et al.	
		US- 6,248,105 B1	06/19/2001	Schlapfer et al.	
		US- 6,328,739 B1	12/11/2001	Liu et al.	
		US- 6,413,257 B1	07/02/2002	Lin et al.	
		US- 6,443,956 B1	09/03/2002	Ray	
		US- 2003/0004572 A1	01/02/2003	Goble et al.	
		US- 2003/0028250 A1	02/06/2003	Reiley et al.	
		US- 6,554,831 B1	04/29/2003	Rivard et al.	
		US- 6,565,565 B1	05/20/2003	Yuan et al.	
		US- 6,579,319 B2	06/17/2003	Goble et al.	
		US- 6,623,485 B2	09/23/2003	Doubler et al.	
		US- 6,648,887 B2	11/18/2003	Ashman	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO03/101350 A1	12/11/2003	Reiley et al.		

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Complete if Known

Sheet 1 of 1	Application Number	10/780,426
	Filing Date	February 17, 2004
	First Named Inventor	SIMONSON
	Art Unit	
	Examiner Name	
Attorney Docket Number		5976-23-2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Spine-health.com, "Facet Technologies," http://www.spine-health.com/research/discupdate/artificial/artificial06.html	
		ZIMMER SPINE, "DYNESYS, The Dynamic Stabilization System (U.S. only)," http://www.zimmerspine.com/spine/products/lumbar/dynesys/index .	

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